

ASSEMBLY BILL

No. 1067

Introduced by Assembly Member Frommer

February 22, 2005

An act to amend Section 369b of the Penal Code, and to amend Sections 22526 and 42001.16 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1067, as introduced, Frommer. Vehicles: railroad grade crossings: violations: penalties.

(1) Existing law authorizes a court in a county with a population greater than 500,000 persons to order a person convicted of certain traffic violations relating to rail transit to attend a traffic school that offers, as a part of its curriculum, a film on rail transit safety, and to pay certain fines in addition to the fines regularly imposed for a violation.

This bill would permit a court described above to order attendance, instead, at a traffic safety school that includes a rail safety presentation or Internet rail safety test. The bill would add additional rail transit-related violations to the existing list of rail transit-related violations that are subject to the above described law.

(2) Existing law prohibits certain actions by the drivers of a motor vehicle if those actions would create certain vehicular obstructions, and provides that violations of these provisions are parking violations, or stopping violations dependent upon the authority of the peace officer who issued the notice to appear.

This bill would provide that violations of these provisions issued by the Bay Area Rapid Transit police are stopping violations.

(3) Existing law imposes a fine of \$100 for a first offense, \$200 for a second offense occurring within one year of a prior offense, and \$250 for a third or subsequent offense occurring within one year of 2 or more prior offenses, for a violation of certain provisions relating to failure to stop a vehicle at a railroad grade crossing.

This bill would add certain railroad grade crossing violations to the list of provisions that are subject to the fines specified above.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Both failing to stop at a stop sign located near a railroad
4 grade crossing and stopping on the railroad track as a result of
5 gridlock or congestion are serious offenses that cause death,
6 injury, and destruction of property and more importantly,
7 endanger the lives of people riding in the vehicle and the train,
8 and pedestrians.

9 (b) The horrific accidents caused by drivers who fail to stop at
10 a stop sign or cause gridlock on the tracks contribute to
11 California's dubious honor of ranking in the top tier of highway
12 grade crossing injury and deaths nationwide.

13 (c) The fines authorized under existing law are insufficient for
14 these serious and potentially life threatening traffic offenses and
15 should be consistent with the fine for attempting to maneuver
16 around an active grade crossing gate arm.

17 (d) Increasing the fines for these offenses and dedicating a
18 significant portion of the fines to railroad crossing education will
19 permit local agencies to increase awareness of rail safety.
20 Education programs have been demonstrated to reduce the
21 number of accidents on the railroad, thereby saving lives and
22 reducing personal injury and property damage.

23 SEC. 2. Section 369b of the Penal Code is amended to read:

24 369b. (a) This section shall only apply to counties with a
25 population greater than 500,000.

26 (b) The court may order any person convicted of a rail transit
27 related traffic violation, as listed in subdivision (c), to attend a
28 traffic school ~~which~~ that offers, as a part of its curriculum, a film

1 developed or caused to be developed by a transportation
2 commission or authority on rail transit safety.

3 (c) For a first offense, a court ~~may~~, at its discretion, *may* order
4 any person cited for any of the following violations to attend a
5 traffic school offering a *rail safety presentation, Internet rail*
6 *safety test, or* rail transit safety film prepared by a county
7 transportation commission or authority, pay an additional fine of
8 one hundred dollars (\$100), or both:

9 (1) Section 369g.

10 (2) Section 369i.

11 (3) Subdivision (c) of Section ~~21752 of 21752, Section 22450,~~
12 ~~22451, or 22452, or subdivision (c) of Section 22526, of the~~
13 ~~Vehicle Code, involving railroad grade crossings, or Section~~
14 ~~22451 or 22452 of that code.~~

15 (d) For a second or subsequent violation as provided in
16 subdivision (c), a court shall order a person to pay an additional
17 fine of up to two hundred dollars (\$200) and to attend a traffic
18 school offering a *rail safety presentation, Internet rail safety test,*
19 *or* rail safety film prepared by a county transportation
20 commission or authority.

21 (e) All fines collected according to this section shall be
22 distributed pursuant to ~~Section 1463 of the Penal Code Sections~~
23 ~~1463 and 1463.12, as applicable.~~

24 SEC. 3. Section 22526 of the Vehicle Code is amended to
25 read:

26 22526. (a) Notwithstanding any official traffic control signal
27 indication to proceed, a driver of a vehicle shall not enter an
28 intersection or marked crosswalk unless there is sufficient space
29 on the other side of the intersection or marked crosswalk to
30 accommodate the vehicle driven without obstructing the through
31 passage of vehicles from either side.

32 (b) A driver of a vehicle which is making a turn at an
33 intersection who is facing a steady circular yellow or yellow
34 arrow signal shall not enter the intersection or marked crosswalk
35 unless there is sufficient space on the other side of the
36 intersection or marked crosswalk to accommodate the vehicle
37 driven without obstructing the through passage of vehicles from
38 either side.

39 (c) A driver of a vehicle shall not enter a railroad or rail transit
40 crossing, notwithstanding any official traffic control device or

1 signal indication to proceed, unless there is sufficient space on
2 the other side of the railroad or rail transit crossing to
3 accommodate the vehicle driven or there is sufficient
4 undercarriage clearance to cross the intersection without
5 obstructing the through passage of a railway vehicle, including,
6 but not limited to, a train, trolley, or city transit vehicle.

7 (d) A local authority may post appropriate signs at the
8 entrance to intersections indicating the prohibition in
9 subdivisions (a), (b), and (c).

10 (e) A violation of this section is not a violation of a law
11 relating to the safe operation of vehicles and is the following:

12 (1) A stopping violation when a notice to appear has been
13 issued by a peace officer described in Section 830.1-~~or~~, 830.2, *or*
14 830.33 of the Penal Code.

15 (2) A parking violation when a notice of parking violation is
16 issued by a person, other than a peace officer described in
17 paragraph (1), who is authorized to enforce parking statutes and
18 regulations.

19 (f) This section shall be known and may be cited as the
20 Anti-Gridlock Act of 1987.

21 SEC. 4. Section 42001.16 of the Vehicle Code is amended to
22 read:

23 42001.16. (a) Every person convicted of an infraction for a
24 violation of subdivision (c) of Section 21752, *subdivision (c) of*
25 *Section 22526, or Section 22450*, involving railroad grade
26 crossings, or Section 22451 or 22452 shall be punished as
27 follows:

28 (1) For the first infraction, by a fine of one hundred dollars
29 (\$100).

30 (2) For a second infraction of any of the offenses described in
31 this subdivision occurring within one year of a prior infraction
32 that resulted in a conviction, by a fine not exceeding two hundred
33 dollars (\$200).

34 (3) For a third or any subsequent infraction of any of the
35 offenses described in this subdivision occurring within one year
36 of two or more prior infractions that resulted in convictions, by a
37 fine not exceeding two hundred fifty dollars (\$250).

38 (b) In addition to the fine imposed pursuant to subdivision (a),
39 a court, in a county in which Section 369b of the Penal Code

- 1 applies, may require the person to attend a traffic school as
- 2 described in Section 369b of the Penal Code.

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